



MS Word Export To Multiple PDF Files Software - Please purchase license.

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

HEARING DATE: July 11, 2002

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA 02-0054

PROPOSAL: Variance for front yard setback. Proposed addition to be located 20 feet from the front property line instead of the required 25' 9" from the front property line in the E4 "Small Estate District".

LOCATION: 12811 Bubbling Well Road, Santa Ana, Unincorporated North Tustin area, 3rd Supervisorial District.

APPLICANT: Kurt Christy, owner/applicant

STAFF CONTACT: James Thue, Project Manager
Phone: (714) 834-2179 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA 02-0054 subject to findings and conditions.

BACKGROUND:

The subject site was developed in 1956 as a one-story single-family residence with an attached garage in the North Tustin area. Originally, the neighborhood was built under the R1 "Single-Family Residence District" zone, which allowed for a 5' side yard setback, a 20' front setback, and a 25' rear yard setback. The site was rezoned in 1961 and is currently zoned E4 "Small Estates". The "Small Estates District" is established in part to maintain deep setbacks in-order to promote open space areas. The E4 "Small estates District" requires a 30' front yard setback and a 25' rear yard setback. However, Section 7-9-128.4 explains that the front setback can be determined by the average setback of the neighboring buildings. Therefore, the required front setback for the subject site is 25' 9".

The existing residence currently exists 28 feet 3 inches from the front property line, 36 feet from the rear property line, and approximately 11 feet from the left and right property lines. The residence currently satisfies all setback requirements. This variance proposes an addition, which will be located 20 from the front property line and will therefore encroach 5 feet 9 inches into the front setback area per Zoning Code Section 7-9-128.4 for average setback. There are no sidewalks in the neighborhood and therefore the addition will be located 31 feet from the back of curb which will preserve the open space look and feel to the neighborhood.

SURROUNDING LAND USE:

The project site and all surrounding properties are zoned E4 “Small Estates”. The surrounding area is composed predominately of single-family “ranch” style homes. A flood channel runs behind the property and beyond that the properties are zoned R1 “Single-family Residence”.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and Clerk of the Board Office, as required by established public hearing posting procedures. The proposal was distributed to several County divisions for review and comment. Those comments have been addressed or the recommended conditions of approval are included within Appendix B.

The North Tustin Advisory Committee (NTAC) reviewed the project plans. NTAC unanimously approved the project on June 20, 2002.

CEQA COMPLIANCE:

The proposed project is categorically exempt (Class 1 and 5) from the requirements of the California Environmental Quality Act.

DISCUSSION/ANALYSIS:

The lot size of the property is approximately 11,025 square feet (0.25-acre). The height of the structure is approximately 13 feet with a 4-foot high protruding chimney located in the middle of the structure. The 2,193 square foot residence currently contains three bedrooms, two and a half bathrooms, a living room, dinning room, family room, and kitchen. The half bathroom will be demolished. The proposed addition will consist of a 227 square foot master bedroom, a bathroom, walk-in-closet, a new 216 square foot bedroom, and an expanded garage with a workshop and storage area. The total addition will amount to 1,343 square feet and bring the total structure to 3,536 square feet. When completed the Building Site Coverage will be 32%, which is below the 35% maximum allowable.

A swimming pool and several large trees are located in the back yard. A large portion of the structure will be remodeled and expanded into the rear yard. However, due to the existing constraints in the rear yard the remainder of the proposed additions will be constructed in the front yard. The garage expansion/redesign and the new bedroom will encroach 5' 9" into the required 25' 9" setback area. Therefore, the applicant is requesting the approval of this variance for a setback of 20 feet from the front property line.

The variance request would not push the front of the proposed addition so far forward as to give the street scene an unbalanced look. Due to the single-story nature of the neighborhood and the existing site improvements, the proposed location of the addition seems appropriate to staff. Staff notes that the addition maintains the existing side setback and maintains the existing architecture and roofline.

The following is a list of variances within the local neighborhood that have been approved for setback encroachments:

Variance	Location	Setback Distance
V6706	Singing Wood Rd	From 20' to 8'
V6552	Bubbling Wells Rd	From 20' to 5.6'
V7536	Bubbling Wells Rd	From 25' to 11'
V2455	Bubbling Wells Rd	From 20.5' to 12'
PA000079	Singing Wood Dr	From 13' to 9'

CONCLUSION OR SUMMARY:

Zoning Code Section 7-9-150.3(e)(2), Variances, states that in order for an approval of a variance to be granted, the following findings must be made:

- A. Special Circumstances. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
- B. No Special Privileges. Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

The addition in the rear yard will comply with zoning regulations. However, circumstances including the zone change from R1 “Single-Family Residence District” to E4 “Small Estates District”, the location of large trees and a swimming pool in the rear yard area, along with the absence of a sidewalk in the road right of way provide justifiable reasons for the applicant to construct the addition within the front setback area. Due to the zone change many properties in the surrounding neighborhood became legal nonconforming lots. Several neighbors in the area have received variances for additions constructed in the required setback areas. All, but one, of the homes in the area are one-story and additions onto homes have extended outward and not upward. This has helped to keep the quality and conformity of the neighborhood intact. This variance for an addition to an existing single-family dwelling follows the trend of the neighborhood. Approval of the application will not grant a special privilege.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 02-0054 for a variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Section Chief
CPSD/Site Planning Section

JJT

ATTACHMENTS:

Appendix A. Recommended Findings

Appendix B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Project Site Photograph
3. Project Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.